IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

BENNIE DAVID GUY, #1862511	§	
VS.	§	CIVIL ACTION NO. 6:14cv45
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

The above-styled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love. The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is therefore

ORDERED that the Report and Recommendation (Doc. #5) is **ADOPTED**. It is further **ORDERED** that the petition for a writ of habeas corpus is **DISMISSED** without prejudice for lack of subject matter jurisdiction. It is further

ORDERED that a certificate of appealability is **DENIED**. It is further

ORDERED that the Clerk of Court shall return unfiled any new petitions for a writ of habeas corpus submitted by the Petitioner concerning his 1996 Gregg County sexual assault conviction unless he first shows that he received permission to file it from the Fifth Circuit. It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 26th day of February, 2014.

MICHAEL H. SCHNEIDER

UNITED STATES DISTRICT JUDGE